

Remarks/Arguments

Applicants kindly acknowledge and appreciate the Examiners' time and consideration in our recent telephone conversation of February 5, 2009. Briefly, our conversation particularly discussed the enablement of the composition claims and presently amended method claims. An agreement was reached as to an allowable claim set that would adequately cover claims to the Applicants' invention. Moreover, the suggestion of the preceding claim amendments were agreed upon to expedite prosecution of these amended claims.

In this regard, claims 1-4, 6, 7, 10 and 12-24 are presently pending. Claims 7 and 19 have been amended solely to expedite prosecution without prejudice or disclaimer. Claims 10, 12-14, 16, 20-22, and 24 have been cancelled solely to expedite prosecution of the remaining claims without prejudice or disclaimer. As such, Applicants reserve the right to file an application to the remaining claims in a continuation application. Accordingly, claims 1-4, 6, 7, 15, 17-19, and 23 will be pending upon entry of the instant amendments. *No new matter has been added.*

Moreover, amendment and/or cancellation of the claims during pendency of the application are not to be construed as acquiescence to any of the objections/rejections set forth in any Office Action, and were done solely to expedite prosecution of the application. Applicants submit that claims were not added or amended during prosecution of the instant application for reasons related to patentability. Applicants reserve the right to pursue the claims as originally filed, subsequently amended or added, or similar claims, in this or one or more subsequent applications.

Claim Rejections Under 35 USC § 112, First Paragraph

Claims 1-4, 6-7, 10, 13-19 and 21-24 stand rejected under 35 USC § 112, first paragraph. Applicants have amended the claims as agreed in our telephone conference of February 5, 2009; and as such, assert that this rejection under 35 USC § 112, first paragraph no longer applies to the pending claims. The Examiner is therefore respectfully requested to reconsider and withdraw this rejection.

Application No.
Amendment Dated
Reply to Office Action of

10/530,794
February 18, 2009
October 17, 2008

Request for Phone Interview

Once the Examiner has had an opportunity to review the amendments and comments made herein, Applicants respectfully request a phone interview in order to discuss any final details that may help result in an allowance of the application with all pending claims.

CONCLUSION

Applicants respectfully request favorable reconsideration and allowance of all pending claims. Passage of the instant application to issuance is earnestly solicited. As noted above, if a telephone conversation with Applicants' attorney would help to expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

A petition for a two month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. 100864-1P US.

Respectfully submitted,
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